

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



UNITED STATES OF AMERICA

v.

No. 3:13-00129
JUDGE TRAUGER

DAVID GONZALES
a/k/a ARTURO REYES-CABANAS
a/k/a EDGAR RAUL BERMUDEZ-AYALA
a/k/a EDGAR BERMUDEZ-AYATA

MOTION TO CORRECT NAME IN THE INDICTMENT

Comes now the accused, by an through Mariah A. Wooten, First Assistant Federal Public Defender, and hereby requests this Court to correct the name of the accused in the indictment in this case. The indictment currently reflects the name as David Gonzales. As stated in open court on July 25, 2013, the correct name is Arturo Cabanas-Reyes.

Russell v. United States, 369 U.S. 749, 770 (1962) states, it is "settled rule in the federal courts that an indictment may not be amended except by re-submission to the grand jury *unless the change is merely a matter of form.*" (Emphasis added). In the instant case, the correction would not substantively amend the indictment but merely corrects the accused's name.

Wherefore, Mr. Cabanas-Reyes requests this Court to correct his name in the indictment.

Respectfully submitted,

s/ Mariah A. Wooten

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